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# *The Commonwealth of Massachusetts*

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Commissioner

### Minutes

**BBRS Building Code Appeals Board (BCAB)**

**Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA**

**Meeting Date: August 07, 2014**

**Meeting Time: 9:30 a.m.**

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

#### Board Members Present:

Harry Smith, Chairman

Brian Gale

Jennifer Hoyt

#### Board Members Not Present:

None

There were six (6) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 12:00 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

#### Guests Present:

See sign-in sheet for each case.

2. July 22, 2014 meeting minutes approved.
3. **Case Number:** 14-1405  
**Appellant:** Eric Cote for BP Prucenter Acquisition LLC.  
**Address of Property:** 880-888 Boylston Street, Boston, MA. 02129  
**Summary of Case:** This appeal concerned *(The State Building Code, Eighth Edition)* Table 705.5, 602, 705.8, 706.1, 706.1.1, 708.2, 1023.1, 1027.1. The appellant seeks to obtain relief from the above cited violations.

**List of Exhibits:**

**Exhibit 1.** Application dated July 9, 2014.

**Exhibit 2.** Context Site Plan dated January 20, 2014 (1 page).

On a **MOTION** by Brian Gale and **SECONDED** by Jennifer Hoyt, it was **UNANIMOUSLY** voted that based on testimony here today and the fact that Boston ISD is represented here today that we **grant relief to 780 CMR 705.5, 602, 705.8, 706.1, 706.1.1, 708.2, 1023.1, 1027.1 as requested by the appellant.**

4. **Case Number:** 14-1406  
**Appellant:** Eric Cote for BP Prucenter Acquisition LLC.  
**Address of Property:** 800 Boylston Street, Boston, MA. 02199  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*) Section 705.5, Table 602, 705.8, 706.1, 706.1.1 The appellant seeks to obtain relief from the above cited violations.

On a **MOTION** by Brian Gale and **SECONDED** by Jennifer Hoyt, it was **UNANIMOUSLY** voted based on testimony presented today and the complimentary previous case and that Boston ISD is represented here today and has no objection that we **grant relief to 780 CMR 705.5, Table 602, 705.8, 706.1, 706.1.1 as requested by the appellant.**

5. **Case Number:** 14-1407  
**Appellant:** Mark W. Tebbets  
**Address of Property:** 14 Sunrise Avenue, Pawcatuck, CT. 06379  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) 780 CMR 110.R7.3.1. The appellant is appealing the denial of his continuing education credit.

**List of Exhibits:**

**Exhibit 1.** Application dated July 7, 2014.

**Exhibit 2.** 2 page Resume from Mark W. Tebbets

**Exhibit 3.** 2 page emails dated August 20, 2013

On a **MOTION** by Brian Gale and **SECONDED** by Jennifer Hoyt, it was **UNANIMOUSLY** voted that we make an exception in this case and allow him to maintain his certification because of the fact that he is certified through the ICC & has current certification. On an amended motion he must submit his (90) ninety hours by the end of 2014 to be re-certified again for the next cycle.

6. **Case Number:** 14-1408  
**Appellant:** Donald Lonergan, AIA for DCU.  
**Address of Property:** 1751 Massachusetts Avenue, Lexington, MA. 02420  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) 780 CMR Section 1009.1 Exception 1. Stemming from a denial letter from the building commissioner the appellant is requesting relief from the required 36" egress width only while the incline lift is in operation.

On a **MOTION** by Brian Gale and **SECONDED** by Jennifer Hoyt, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR Section 1009.1 Exception 1** for the 26" stair based on the fact that this is not a required means of egress, on the plans submitted and the testimony presented today and based on the fact that there is egress from the building onto Massachusetts Avenue without going down that stair.

7. **Case Number:** 14-1409  
**Appellant:** Jonathan & Susan Von Ranson.  
**Address of Property:** 6 Locks Village Road, Wendell, MA. 01379  
**Summary of Case:** The appeal concerned a variance from (IRC International Residence Code) Section R314.1. A request by the appellant to use a non-UL listed, European made, battery operated fire detector system in a non-electric barn with integral and attached garages.

**List of Exhibits:**

**Exhibit 1.** Application not dated and received on July 14, 2014.

**Exhibit 2.** One page letter from Appellant to the BBRs

On a **MOTION** by Jennifer Hoyt and **SECONDED** by Brian Gale, it was **UNANIMOUSLY** voted to **grant a variance based on discussion today from 780 CMR Section R314.1** to use a Non-UL rated, European made, battery operated fire protection in this building. This is based on the fact that there is no electricity and it's with the understanding that the locations and types of detectors will be compliant with the code requirements and they shall be interconnected as required.

8. The meeting adjourned at 12:15 p.m.